

**ZONING BOARD OF ADJUSTMENT
RARITAN TOWNSHIP, NEW JERSEY
REGULAR VIRTUAL MEETING**

OCTOBER 1, 2020

MINUTES

Chairperson Schaefer: The meeting will be offered virtually for all Board members, Board professionals, applicant and applicant's teams, and interested parties and members of the public. To attend this meeting virtually, enter the link on your computer or device as provided.

If you do not have access to a phone or computer with a camera, you may call into the meeting for audio only at 1-833-247-7023 and enter conference ID number 7995914. No participant code is needed.

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairperson Schaefer.

2. NOTICE REQUIREMENTS:

The notice requirements of the Open Public Meetings Act were read into the record by Chairperson Schaefer.

3. ROLL CALL:

Board Members Present:

Cynthia Schaefer, Chairperson
John Gudelis
Kevin Kuhl
Alicia Dominguez
Randy Block
Roger Ahrens
Jim Ferraro (Alternate)
Bradford Perry (Alternate)

Board Member Absent:

Steve Farsiou

4. OTHER PERSONNEL PRESENT:

Antoine Hajjar, Township Engineer
Jeff Vaccarella, Assistant Planner/Zoning Inspector
Jay Troutman, Traffic Engineer

Randy Block made a motion to accept the absence of Steve Farsiou from the meeting based on his request, seconded by Roger Ahrens.

(On roll call, all members voted in the affirmative.)

5. APPEARANCES:

MESSRS. STICKEL, KOENIG, SULLIVAN & DRILL, LLC
571 Pompton Avenue
Cedar Grove, New Jersey 07009
Attorneys for the Zoning Board of Adjustment
BY: JONATHAN E. DRILL, ESQ.

6. BOARD MEMBERS AND COUNSEL:

- a. **Comments:** None
- b. **Announcements:** None
- c. **Distribution and Correspondence:** None
- d. **Minutes:** None

August 27, 2020

A motion was made to approve the Minutes of the August 27, 2020 Board of Adjustment meeting by Randy Block, seconded by Chairperson Cynthia Schaefer.

(On roll call, all members voted in the affirmative.)

September 3, 2020

A motion was made to approve the Minutes of the September 3, 2020 Board of Adjustment meeting by Alicia Dominguez, seconded by Chairperson Cynthia Schaefer.

(On roll call, all members voted in the affirmative.)

7. RESOLUTIONS:

- (A) RESOLUTION #2020-08**
Matthew Malfitano
5 Claridge Lane
Block 79.13, Lot 10
Resolution memorializing the grant of C-1 Variance to allow generator within the second front yard on a corner lot

Roger Ahrens made corrections to the Resolution and then made a motion that it be approved with the changes made. Randy Block seconded said motion.

(On roll call, all eligible members voted in the affirmative.)

- (B) RESOLUTION #2020-09**
Hunterdon Sports Complex
426 Case Boulevard
Block 36.01, Lot 78
Flemington
BOA: 17-2019
Resolution memorializing the grant of Variances to allow wall signage to exceed the maximum permitted size and area along the interior front and side of an existing indoor recreational facility

Roger Ahrens made corrections to the Resolution and then made a motion that it be approved with the changes made. Alicia Dominguez seconded said motion.

(On roll call, all eligible members voted in the affirmative.)

- (C) **RESOLUTION #2020-11**
 Frank Constantine
 205 Highway 12
 Block 44, Lot 52
 Flemington
 BOA: 03-2020
 Resolution memorializing certification and interpretation
 of auto repair uses as pre-existing non-conforming uses
 entitled to continue

Roger Ahrens made corrections to the Resolution, which was then moved by Kevin Kuhl for approval, and seconded by Alicia Dominguez.

(On roll call, all eligible members voted in the affirmative.)

- (D) **RESOLUTION #2020-16**
 John Dawson
 1 Windsor Way
 Block 15.08, Lot 1
 Flemington
 BOA: 12-2018
 Granting modification of condition number 6 of prior
 resolution to allow for an extension of time within which
 to apply for and obtain construction permits for a
 swimming pool with patio in the front yard

Roger Ahrens made corrections to said Resolution which Randy Block then moved for approval, seconded by Roger Ahrens.

(On roll call, all eligible members voted in the affirmative.)

8. APPLICATIONS:

- (A) **Board of Adjustment Case No. 19-2020**
 APPLICANT: Charles Kirsch
 LOCATION: Block 95, Lot 5
 9 Messenger Lane
 APPLICATION: C Variance

Attorney Drill indicated that Charles Kirsch will be representing himself and will present Eric Ripnarian, an engineer, to testify as to the application being sought.

They were both sworn along with Antoine Hajjar, Township Engineer, and Jeff Vaccarella, Assistant Township Planner and Zoning Inspector.

Mr. Kirsch indicated that he and his wife moved into the property on May 7, 2020 and found out that they were 4 percent over on the hard surface coverage of the lot. Unfortunately, after purchasing the house, to which they made no improvements, other than to try to enclose an existing structure, they found there is a 20 percent maximum allowed in the zone and they were already at 24 percent.

The applicant is applying for an approval of a variance of the hard surface coverage based on the cost. Attorney Drill indicated that finances, as a matter of law, do not constitute hardship for a C-1 Variance. It has to be a hardship related to the property.

Engineer Ripnarian indicated that an attempt had been made to purchase additional property from neighbors in an attempt to mitigate the situation. Attorney Drill stated that that would not be sufficient. Therefore, a request for a C-2 Variance was pursued by the applicant.

After questioning by the Board and its professionals, members of the public asked questions including Mr. and Mrs. Gelinos, Tom Mangano and Aimee Pugliesi as to the lighting, noise abatement, and rain gardens. After hearing responses to the neighbors' inquiries, the Board deliberated as to the mitigation proffered by the applicant and his engineer, including reducing the hard surface coverage to 17 percent when 20 percent is the maximum allowed in the zone; as well as other conditions that the applicant agreed to, which would be included in a resolution if the matter were approved.

After reviewing the conditions and hearing the opinions of the Board members, Roger Ahrens made a motion that the application be granted with those conditions, seconded by Chairperson Cynthia Schaefer.

(On roll call, all members voted in the affirmative.)

9. Adjournment

The meeting was adjourned to October 15, 2020, as well as to November 5, 2020.

Respectfully submitted,

JACQUELINE KLAPP